

**R e m a r k s**

Claims 1-38 are pending in the application.

Claims 17 and 32 were indicated to contain allowable subject matter but they are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

The drawings were objected because the legends are not complete.

The specification was objected to because the title of the invention is not descriptive.

Claim 38 was objected to because of an informality.

Claims 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,618,338 issued to Yip et al. on September 9, 2003.

Claims 1-14, 28-31 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,807,172 issued to Levenson et al. on October 19, 2004.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

**Objection to the Drawing**

The drawings were objected because the legends are not complete. Unfortunately, the Office Action did not specify which legends were missing. However, after a thorough examination, applicant believes that the only legends that the Office Action could be referring to are the empty boxes for 103 and 105 in FIG. 1. Therefore, an amended version of FIG. 1 is supplied herewith in which legends have been placed in the heretofore empty boxes.

**Objection to Claim 38**

Claim 38 was objected to because of an informality, the Office Action stating that the phrase “is selected” is repeated twice in a row. Applicant has removed one instance of the phrase.

**Rejection Under 35 U.S.C. 102**

Claims 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,618,338 issued to Yip et al. on September 9, 2003. The Office Action states that Yip et al. discloses all of the elements of applicant’s claims.

This ground of rejection is respectfully traversed for the following reason.

Notwithstanding the Office Action’s assertion to the contrary, Yip et al. does not disclose a memory for establishing a correspondence association between addresses within a local area Ethernet network and addresses of those ports in the metropolitan area Ethernet network, as required by applicant’s claim 15. Instead, there is no mention of ports whatsoever in Yip et al. Furthermore, even if the notion of ports is implied by the fact that there is a metropolitan area network in Yip et al., nevertheless, there is no teaching or implication of a memory that is for establishing a correspondence association between addresses within at least one local area Ethernet network and addresses of ports in the metropolitan area Ethernet network, as required by applicant’s claim 15.

Indeed, rather than using associations between ports of edge switches and addresses in a local area network, Yip et al. relates to a virtual metropolitan area network (VMAN) that segregates user traffic using VMAN tags. In fact, there is does not appear to be any teaching in Yip et al. that there is any knowledge by the switches of the

metropolitan area network of anything beyond the end of the metropolitan area network. At the edge switch of the metropolitan area network to which a packet is routed the additional VMAN tags that have been added to the packet are stripped off.

Since there Yip et al. does not teach or suggest a memory for establishing a correspondence association between addresses within at least one local area Ethernet network and addresses of ports in the metropolitan area Ethernet network, applicant's claim 15 is allowable over Yip et al. under 35 U.S.C. 102. Since claims 16 and 18-20 depend from, and hence include all the limitations of, claim 15, they too are allowable over Yip et al. under 35 U.S.C. 102.

**Rejection Under 35 U.S.C. 103(a)**

Claims 1-14, 28-31 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,807,172 issued to Levenson et al. on October 19, 2004.

This ground of rejection is respectfully traversed for the following reasons.

The Office Action states that Levenson et al. does not teach the encapsulation of Ethernet packets, as required by applicant's claims, and applicant agrees that it does not. To supply this encapsulation element, the Office Action cites Yip et al. However, Yip et al. is unable to supply the encapsulation element of applicant's claims.

More specifically, applicant and Yip et al. teach different things with the use of the term "encapsulating". Applicant teaches that encapsulating means taking the original packet and placing it as the payload within a new, complete Ethernet packet. This new complete packet has its own header section and its own trailer (outer CRC), and thus this new packet is, notably, longer than the original packet. See for example, applicant's specification at page 5, lines 6-11, page 9, line 10 – 17, and FIG. 9. This corresponds closely with the dictionary definition of encapsulating, which is to encase in, or as if in, a capsule.

By contrast, in Yip et al., notwithstanding the use of word "encapsulating", there is no teaching of placing one packet as the payload with another packet. Instead, there is really only the teaching of adjusting a received packet by adding one or more VMAN tags to an originally received packet. Note that, as seen in FIG. 2 of Yip et al., each time

“encapsulation” is performed, only an additional 4 bytes of a VMAN Tag is added to the packet. This is more clearly explained in connection with FIG. 3 of Yip et al., where box 320 states that the edge switch adds the VMAN tag to the input frame to create a VMAN tagged frame, and in box 340 it states that the remote edge switch strips the VMAN tag from the VMAN tagged frame. There is no teaching of removing conventional packet requirements such as a header or trailing CRC information as is taught by applicant. This shows that Yip et al. is not teaching encapsulating a packet within a packet. Instead, Yip et al. is merely teaching to tag a packet with some additional information.

Thus, since Yip et al. does not teach encapsulation of Ethernet packets, as recited in applicant’s claims 1-14, 28-31 and 33-38, nor does Levenson et al. teach encapsulation of Ethernet packets, the combination of Yip et al. and Levenson et al. also cannot teach encapsulation of Ethernet packets. Since applicant’s claims 1-14, 28-31 and 33-38 require encapsulation of Ethernet packets, the Yip et al. and Levenson et al. cannot make applicant’s claims obvious under 35 U.S.C. 103.

The foregoing applies to claims 22-24 and 25-27 which require the same type of encapsulation as does claims 1-14, 28-31 and 33-38 and which does not exist in the combination of Levenson et al. and Yip et al.

Furthermore, applicant notes that adding placing the source and destination address into a packet at a higher layer, as is conventionally done, e.g., in Levenson et al., is not the same as encapsulating a packet with a source and destination address at the same layer, as is called for by applicant’s claims. Indeed, doing the latter is contraindicated, since the packet already has a source and destination address at that layer. In fact, doing so could give the packet two different source addresses, which conventionally would be considered to be an absurd, and hence, undesired result. The same is true of having two destination addresses. To which one should the packet be routed?

Thus, applicant’s claims 22-24 and 25-27 are allowable over the combination of Levenson et al. and Yip et al. under 35 U.S.C. 103.

**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325.**

Respectfully,

Ilija Hadzic

By

  
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